

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

1 ----- X
2 DAVID ATLEE PHILLIPS, :
3 PLAINTIFF, :
4 VS. : CIVIL ACTION NO. 81-1497
5 DONALD FREED, ET AL., :
6 DEFENDANTS. : JUDGE RICHEY
7 ----- X
8 DAVID ATLEE PHILLIPS, :
9 PLAINTIFF, :
10 VS. : CIVIL ACTION NO. 81-2578
11 LAWRENCE HILL & CO. :
12 PUBLISHERS, INC., ET AL., : JUDGE JACKSON
13 DEFENDANTS. :
14 ----- X

WASHINGTON, D. C.
FRIDAY, MARCH 25, 1983

15 DEPOSITION OF

16 DAVID ATLEE PHILLIPS

17 THE PLAINTIFF, RECALLED FOR FURTHER EXAMINATION BY COUNSEL FOR
18 THE DEFENDANTS, PURSUANT TO RECESS, TAKEN AT THE LAW OFFICES
19 OF BIERBOWER & BIERBOWER, 1875 EYE STREET, N.W., SUITE 1275,
20 WASHINGTON, D. C., BEGINNING AT 9:30 A.M., BEFORE JUDITH R.
21 GAGLIARDI, A NOTARY PUBLIC IN AND FOR THE DISTRICT OF COLUMBIA,
22 WHEN WERE PRESENT ON BEHALF OF THE RESPECTIVE PARTIES:

GAGLIARDI REPORTING COMPANY
1348 CHETWORTH COURT
ALEXANDRIA, VA. 22314
836-8273

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FOR THE PLAINTIFF:

MARK BIERBOWER, ESQUIRE
BIERBOWER & BIERBOWER
1875 EYE STREET, N.W.
SUITE 1275
WASHINGTON, D. C. 20006

FOR THE DEFENDANTS:

MELVIN L. WULF, ESQUIRE
BELDOCK, LEVINE & HOFFMAN
565 FIFTH AVENUE
NEW YORK, N.Y. 10017

ALSO PRESENT:

LEE STRICKLAND, ESQUIRE
SPECIAL ASSISTANT U.S. ATTORNEY
U.S. COURTHOUSE
THIRD & CONSTITUTION AVENUE, N.W.
WASHINGTON, D.C. 20001

LAUNIE ZIEBELL, ESQUIRE
ASSOCIATE GENERAL COUNSEL
CHIEF, LITIGATION DIVISION
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

PAUL KITTRIDGE, REPRESENTING
DIRECTOR FOR OPERATIONS, CIA

DAVID SOBEL, STAFF COUNSEL FOR
CAMPAIGN FOR POLITICAL RIGHTS

LOUIS WOLF, JOURNALIST

1 Q WHAT WAS THE SPECIFIC SUBJECT MATTER OF YOUR TESTI-
2 MONY THERE THAT DAY?

3 A IT WAS AN ARTICLE WHICH HAD APPEARED IN THE WASHING-
4 TON POST IN 1976 WHICH ALLEGEDLY SAID THAT I BELIEVED THAT
5 LEE HARVEY OSWALD HAD SOMETHING TO OFFER TO THE SOVIET UNION.
6 IT WAS, I FELT, NONSENSE.

7 Q DID YOU EVER MEET LEE HARVEY OSWALD?

8 A I DID NOT, NEVER HAVE.

9 Q HAVE YOU EVER SEEN ANY DOCUMENTS CONCERNING
10 LEE HARVEY OSWALD?

11 A YES.

12 Q WHILE YOU WERE EMPLOYED AT THE CIA?

13 A NO.

14 Q YOU NEVER SAW A PIECE OF PAPER DURING YOUR YEARS
15 AT THE CIA BEGINNING NOVEMBER --

16 A WAIT. WOULD YOU REPHRASE THAT QUESTION, COUNSELLOR?

17 Q WHILE YOU WERE EMPLOYED AT THE CIA DID YOU EVER SEE
18 ANY DOCUMENTS WHICH CONTAINED LEE HARVEY OSWALD'S NAME?

19 A YES.

20 Q WHAT KIND OF DOCUMENTS WERE THEY?

21 A I WAS STATIONED IN MEXICO CITY.

22 Q WHEN?

1 A WHEN LEE HARVEY OSWALD VISITED THERE A FEW
2 WEEKS BEFORE THE ASSASSINATION.

3 Q WHAT KIND OF DOCUMENTS DID YOU SEE RELATING TO THAT
4 PERIOD OF TIME CONCERNING LEE HARVEY OSWALD?

5 A TRANSCRIPTS OF CONVERSATIONS IN WHICH LEE HARVEY
6 OSWALD PARTICIPATED BEFORE THE ASSASSINATION, OBVIOUSLY, AND
7 ONE OF THE DOCUMENTS WAS A MEMORANDUM FROM THE CIA STATION
8 TO OTHER ELEMENTS OF THE U. S. EMBASSY DESCRIBING THE FACT
9 THAT HE WAS IN MEXICO CITY.

10 Q PRIOR TO THE ASSASSINATION?

11 A PRIOR TO THE ASSASSINATION.

12 Q DID IT RELATE CONVERSATIONS HE HAD WITH CIA PERSON-
13 NEL?

14 A IT DID NOT.

15 Q DID IT RELATE CONVERSATIONS HE HAD WITH ANY UNITED
16 STATES GOVERNMENT EMPLOYEES, OFFICERS OR OFFICIALS?

17 A NO.

18 Q WHAT DID IT CONCERN THEN?

19 A IT CONCERNED HIS CONTACTS WITH THE CUBAN AND
20 SOVIET EMBASSIES.

21 Q IN MEXICO CITY?

22 A IN MEXICO CITY.

1 Q IT RECITED CONVERSATIONS THAT WERE HAD BETWEEN
2 OSWALD AND THOSE CUBAN AND RUSSIAN OFFICIALS?

3 MR. STRICKLAND: COUNSEL, BEFORE WE GO A LOT FURTHER
4 ON THIS, MAYBE IT WOULD BE USEFUL TO ASK MR. WULF HOW FAR HE
5 INTENDS TO GO IN THIS LINE OF QUESTIONS. IF WE ARE GOING INTO
6 IT EXTENSIVELY, THEN I THINK WE MAY NEED TO CONFER WITH MR.
7 PHILLIPS TO SEE WHAT HIS RECOLLECTION WILL BRING FORWARD IN THE
8 WAY OF INFORMATION HE WAS AWARE OF.

9 MR. WULF: LET'S DO IT ON A QUESTION-BY-QUESTION
10 BASIS.

11 COULD YOU READ BACK MY LAST QUESTION?

12 (THE REPORTER READ THE QUESTION.)

13 MR. BIERBOWER: I WILL INSTRUCT THE WITNESS TO
14 CONSIDER EACH QUESTION AS IT IS ASKED. IF THERE IS ANY
15 QUESTION REGARDING WHETHER OR NOT THE QUESTION ELICITS AN
16 ANSWER THAT COULD LEAD TO POSSIBLE DISCLOSURE OF CLASSIFIED
17 INFORMATION, I WILL OBJECT. I DON'T SEE THE RELEVANCY OF THE
18 QUESTIONS, BUT WE SHOULD PROCEED ON A QUESTION-BY-QUESTION
19 BASIS FOR THE TIME BEING, I THINK.

20 MR. STRICKLAND: YOU REALIZE, MR. WULF, IT PRESENTS
21 THE GOVERNMENT WITH A DIFFICULT SITUATION BECAUSE THE QUESTION
22 IS ASKED, THE GOVERNMENT HAS NO IDEA WHAT ANSWER MR. PHILLIPS

1 MAY OFFER. A NO ANSWER MAY NOT IMPINGE ON NATIONAL SECURITY
2 CONCERNS AT ALL WHEREAS A SUBJECTIVE ANSWER MIGHT, SO THAT IS
3 OUR PROBLEM, SO IF YOU WILL BEAR WITH US AS WE WILL TRY TO DO
4 THAT.

5 MR. WULF: I WILL BEAR WITH YOU A WHILE AND WE
6 WILL SEE HOW IT GOES.

7 BY MR. WULF: .

8 Q MY QUESTION, THE BEST I CAN RECALL, IS YOU REFERRED
9 TO DOCUMENTS THAT YOU HAD READ WHILE YOU WERE AT THE CIA
10 RELATING TO VISITS THAT LEE HARVEY OSWALD MADE TO MEXICO CITY
11 PRIOR TO HIS ASSASSINATION OF PRESIDENT KENNEDY AND THAT IT HAD
12 SOME RELATIONSHIP TO MEETINGS OR VISITS HE MADE TO THE CUBAN
13 AND RUSSIAN EMBASSIES; IS THAT RIGHT?

14 A I DON'T BELIEVE, COUNSELLOR, THAT I SAID VISITS THAT
15 HE MADE.

16 Q WHAT DID YOU SAY?

17 A I DON'T RECALL BUT I BELIEVE I SAID CONVERSATIONS.
18 I MEANT TO SAY CONVERSATIONS.

19 Q CONVERSATIONS WITH PERSONNEL FROM THOSE TWO
20 EMBASSIES?

21 A YES.

22 Q DID IT DESCRIBE THOSE CONVERSATIONS? DID THE

1 DOCUMENTS YOU SAW CONTAIN DESCRIPTIONS OF SUCH CONVERSATIONS?

2 A YES.

3 Q DO YOU REMEMBER WHAT THOSE CONVERSATIONS CONSISTED
4 OF?

5 A THEY CONSISTED OF LEE HARVEY OSWALD'S EFFORTS TO
6 OBTAIN A VISA TO TRAVEL TO CUBA.

7 Q WHEN WAS THIS PARTICULAR VISIT TO CUBA THAT THEY
8 WERE TALKING ABOUT?

9 A ABOUT SIX WEEKS BEFORE THE ASSASSINATION IN DALLAS.

10 Q THAT WAS THE TIME WHEN HE WAS IN MEXICO CITY?

11 A 1962 -- 1963. THE ASSASSINATION WAS 1963, WAS IT
12 NOT?

13 Q 1963, NOVEMBER 1963.

14 A WE ARE TALKING ABOUT LATE SEPTEMBER OR EARLY
15 OCTOBER.

16 Q DID ANY CIA PERSONNEL IN MEXICO CITY HAVE ANY
17 CONTACT WITH OSWALD PRIOR TO THE ASSASSINATION?

18 A NO.

19 Q WERE YOU CHIEF OF STATION THEN?

20 A NO.

21 Q WHAT WAS YOUR POST?

22 A DURING THE TIME THAT I WAS IN MEXICO CITY I HELD

1 TWO JOBS AND AT THAT TIME I WAS JUST CHANGING FROM ONE JOB
2 TO ANOTHER.

3 Q WHAT WERE THE TWO JOBS?

4 A THE FIRST JOB WAS -- HOW DO I DESCRIBE IT -- IN
5 ESSENCE, I WAS IN CHARGE OF THOSE ACTIVITIES IN OUR STATION
6 WHICH HAD TO DO WITH PROPAGANDA, THAT TYPE OF ACTIVITY.
7 HOWEVER, I WAS CHANGED, I WAS IN MEXICO CITY ROUGHLY FOUR YEARS
8 AND AT ABOUT THE HALFWAY POINT I WAS CHANGED TO BECOME THE MAN
9 RESPONSIBLE FOR CUBAN OPERATIONS IN MEXICO CITY AND IT WAS
10 DURING THAT HIATUS, THAT PERIOD, WHEN I WAS SWITCHING FROM
11 ONE JOB TO ANOTHER.

12 Q YOU MEAN OSWALD'S VISIT WAS DURING THE HIATUS,
13 AS YOU CALLED IT?

14 A THERE WAS NOT A REAL HIATUS, THAT IS NOT THE PROPER
15 WORD.

16 Q THAT IS RIGHT.

17 A BUT IT WAS ABOUT THAT TIME.

18 Q HAVE YOU EVER MET WITH JOHN WARNER SINCE YOUR RETIRE-
19 MENT FROM THE AGENCY?

20 A YES.

21 Q WHEN DID YOU MEET WITH MR. WARNER?

22 A ON INNUMERABLE OCCASIONS.

1 Q HE IS FORMER GENERAL COUNSEL OF THE CENTRAL
2 INTELLIGENCE AGENCY, IS HE NOT?

3 A YES.

4 Q NOW RETIRED, RIGHT?

5 A YES.

6 Q DID HE RETIRE BEFORE OR AFTER YOU?

7 A AFTER ME.

8 Q WHAT WERE THOSE MEETINGS THAT YOU HAD WITH
9 MR. WARNER ABOUT?

10 A THEY CONCERNED THE DAY-BY-DAY ACTIVITIES OF THE
11 ASSOCIATION OF FORMER INTELLIGENCE OFFICERS.

12 Q DID YOU EVER HAVE ANY DISCUSSION WITH JOHN WARNER
13 OF INITIATION OF THIS LAWSUIT THAT WE ARE CONCERNED WITH TODAY?

14 (COUNSEL AND WITNESS HAD CONFERRED.)

15 THE WITNESS: I AM SORRY. THE LAST QUESTION AGAIN,
16 COUNSEL?

17 MR. WULF: WOULD YOU READ BACK MY LAST QUESTION?

18 (THE REPORTER READ THE QUESTION.)

19 THE WITNESS: THE ANSWER IS YES.

20 BY MR. WULF:

21 Q WHEN DID YOU HAVE SUCH A CONVERSATION OR CONVERSA-
22 TIONS?

1 A I MET MR. WARNER EVERY WEDNESDAY NEARLY AT TEN
2 O'CLOCK IN THE MORNING BECAUSE THAT IS WHEN WE WOULD HAVE A
3 MEETING OF OUR ASSOCIATION.

4 Q WHEN PERIOD OF TIME WAS THIS?

5 A THIS IS THE PERIOD -- HE MUST HAVE RETIRED AROUND
6 1977, I DON'T REMEMBER, BUT 1977, 1978, 1979, 1980 AND SO I
7 SAW HIM FREQUENTLY DURING ALL OF THESE OCCASIONS, AND THEN
8 WHEN THIS CASE CAME UP, I CONSULTED HIM ABOUT IT BECAUSE I KNEW
9 THAT HE WAS A LAWYER AND WANTED TO HAVE HIS ADVICE ABOUT WHAT
10 FIRM COULD REPRESENT ME AND SPECIFICALLY COULD THE FIRM WITH
11 WHICH HE WAS THEN ASSOCIATED SERVE AS MY LAW FIRM AND THE
12 ANSWER WAS YES AND THAT IS WHY BIERBOWER & BIERBOWER IS NOW
13 ACTING AS MY LAW FIRM.

14 Q BUT WARNER IS NOT NOW YOUR LAWYER, IS HE, IN THIS
15 LAWSUIT?

16 MR. BIERBOWER: JOHN WARNER IS OF COUNSEL TO
17 BIERBOWER & BIERBOWER AND IN THAT CAPACITY, YES, HE IS ONE OF
18 MR. PHILLIPS' LAWYERS.

19 MR. WULF: OF COUNSEL. HE HAS NEVER MADE AN
20 APPEARANCE AS HIS LAWYER.

21 MR. BIERBOWER: THAT IS RIGHT. HIS NAME IS NOT ON
22 THE PLEADINGS.

1 A NO.

2 Q ROBERT BERRELLEZ, HAVE YOU EVER MET OR SPOKEN WITH
3 ANYONE NAMED ROBERT BERRELLEZ?

4 A I HAVE MET OR SPOKEN WITH SOMEONE WITH A NAME
5 SIMILAR WITH THAT ONE, YES.

6 Q B-E-R-R-E-L-L-E-Z?

7 A THAT IS CORRECT.

8 Q YOU KNOW ROBERT BERRELLEZ SPELLED THAT WAY, SPELLED
9 AS I HAVE JUST RE-SPELLED IT FOR YOU?

10 A YES, I DO.

11 Q WHO IS HE?

12 A HE IS A FORMER NEWSPAPERMAN WHO WORKED FOR ASSOCIATED
13 PRESS I KNEW FOR SOME PERIOD OF YEARS. HE WENT TO WORK FOR
14 ITT, WAS VERY MUCH IN THE NEWS IN THE CHILE INVESTIGATIONS
15 CONCERNING ITT.

16 Q WHEN DID YOU FIRST MEET HIM?

17 A IT'S POSSIBLE THAT I MAY HAVE MET HIM BRIEFLY
18 DURING THE PERIOD I WAS IN CHILE RUNNING A NEWSPAPER FOR
19 SEVERAL YEARS BECAUSE HE COVERED THE LATIN AMERICAN BEAT.

20 Q WHAT PERIOD?

21 A THIS WAS THE PERIOD 1949 AND 1954. I BELIEVE I
22 MET HIM FOR THE FIRST TIME, THAT I CAN RECALL, IN THE SENSE

1 THAT I SAT DOWN AND HAD A DRINK WITH HIM OR SOMETHING SOMETIME
2 IN CHILE IN THE YEARS MID-1958 THROUGH 1959 BUT I GOT TO
3 KNOW HIM MORE CLOSELY DURING 1965 IN THE DOMINICAN REPUBLIC
4 BECAUSE WE BOTH LIVED IN THE SAME HOTEL.

5 Q WAS HE THEN WORKING FOR, WHAT WAS IT, AP YOU SAID?

6 A ASSOCIATED PRESS, YES.

7 Q WAS HE THEN WORKING IN THE DOMINICAN REPUBLIC FOR
8 AP OR ITT?

9 A FOR AP.

10 Q WHEN DID HE GO TO WORK FOR ITT?

11 A I ONLY KNOW THAT IT WAS SUBSEQUENT TO THAT, I
12 DON'T KNOW WHAT DATE.

13 Q HAVE YOU EVER HEARD THE EXPRESSION MEDIA ASSET?

14 A YES, SIR, I HAVE HEARD IT.

15 Q YOU HAVE USED IT YOURSELF, HAVE YOU NOT?

16 A YES, I HAVE.

17 Q DID YOU COIN IT PERHAPS?

18 A NO, SIR.

19 Q HOW DO YOU DEFINE THE EXPRESSION MEDIA ASSET AS IT
20 IS USED WITHIN THE CENTRAL INTELLIGENCE AGENCY?

21 A A MEDIA ASSET IS A PERSON IN THE COMMUNICATIONS
22 FIELD WHO IS RECEPTIVE TO YOUR SUGGESTIONS ABOUT COVERING

1 CERTAIN STORIES AND IN SOME INSTANCES HOW THEY SHOULD BE
2 COVERED.

3 Q THAT WAS A SUBSTANTIAL PART OF THE WORK THAT YOU DID
4 HISTORICALLY WITHIN THE AGENCY, WAS IT NOT, TO TRY TO SECURE
5 MEDIA ASSETS FOR THE AGENCY AND TO GIVE THEM INFORMATION?
6 YOU DID A LOT OF THAT, GENERALLY SPEAKING?

7 A I WOULD HAVE TO SAY GENERALLY, NOT SUBSTANTIALLY,
8 IT WAS A PART OF THE THINGS THAT I DID OVER THE YEARS, YES.

9 Q WAS BERRELLEZ ONE OF THE MEDIA ASSETS?

10 A HE WAS NOT.

11 Q TELL ME AGAIN THE PERIODS OF TIME YOU KNEW HIM,
12 APART FROM THE PERHAPS HAVING MET HIM IN THE FIFTIES IN CHILE.
13 WHEN DID YOU GET TO KNOW HIM WELL?

14 A I GOT TO KNOW HIM WELL IN THE DOMINICAN REPUBLIC
15 IN 1965.

16 Q BUT YOU KNEW HIM BEFORE THAT PERIOD IN WHERE?

17 A I BELIEVE THAT I MET HIM IN CUBA IN THE PERIOD
18 MID-1958 TO 1959. I WASN'T WORKING IN CUBA BUT AS A SIDE
19 LINE I WAS WRITING A NEWSPAPER COLUMN FOR THE LOCAL ENGLISH
20 LANGUAGE NEWSPAPER.

21 Q BUT YOU WERE PREDOMINANTLY WORKING FOR THE AGENCY
22 IN CUBA AT THAT TIME, WEREN'T YOU?

1 A NO. MAY I QUALIFY MY ANSWER, COUNSELLOR? WHEN I
2 WENT TO CUBA IN 1958, I RESIGNED FROM THE AGENCY.

3 Q RIGHT, BUT YOU SAID YOU WERE A CONTRACT EMPLOYEE
4 FOR THE AGENCY DURING THAT PERIOD?

5 A AND SO I WAS REQUESTED NOT TO RESIGN, THEY SAID WHY
6 DON'T YOU CONTINUE WORKING FOR US, AND I SAID NO, I WANT TO
7 MAKE A MILLION DOLLARS, I DON'T WANT TO HAVE TO GIVE IT BACK
8 TO YOU, WHICH IS WHAT YOU HAVE TO DO IF YOU ARE AN EMPLOYEE
9 OF THE AGENCY AND YOU MAKE MONEY IN A PRIVATE VENTURE, AND SO
10 I WENT THERE --

11 Q THAT IS WHY WILSON QUIT, I GUESS, RIGHT? GO AHEAD.

12 A SO MY REASON FOR GOING THERE WAS NOT TO WORK FOR
13 THE AGENCY. I WAS ASKED, THEY SAID WHAT ABOUT TAKING THE CON-
14 TRACT. I DID.

15 Q WHAT DID THAT CONTRACT REQUIRE YOU TO DO?

16 A TO BE ON CALL ON A PART-TIME BASIS.

17 Q WERE YOU ON CALL ON A PART-TIME BASIS?

18 A YES, I WAS.

19 Q WHAT WERE YOU CALLED ON IN 1958-1959 IN CUBA, WHICH
20 I ASSUME CARRIED OVER THROUGH THE CASTRO TAKEOVER?

21 A ON ONE OCCASION I WAS CALLED ON TO TRAVEL OUTSIDE
22 OF CUBA TO PERFORM A MISSION FOR THE AGENCY WHICH I DID AND I

1 A THAT'S RIGHT.

2 Q DOES CIA OWN ONE OF THE MAJOR NETWORKS IN AMERICA?

3 A THEY WERE INTERESTED TO SEE HOW THEY MIGHT USE IT
4 FOR PROPAGANDA, SIR, I DON'T KNOW IF THEY OWN ONE OF THE MAJOR
5 TELEVISION --

6 Q I SUPPOSE IT'S POSSIBLE. BUT THEY WERE INTERESTED
7 IN ITS PROPAGANDA APPLICATION, RIGHT?

8 A I WOULD PRESUME SO, YES.

9 Q AND YOU WERE A PROPAGANDA EXPERT BY THAT TIME, WERE
10 YOU NOT?

11 A YES.

12 Q WHEN DID YOU BECOME HEAD OF THE CUBAN TASK FORCE
13 PROPAGANDA BRANCH?

14 A THE CUBAN TASK FORCE PROPAGANDA BRANCH?

15 Q YES.

16 A ON THE 14TH OR 15TH OF MARCH, 1960.

17 Q 1960?

18 A YES.

19 Q WHAT DID YOU DESCRIBE THAT AS? I CALLED IT THE
20 CUBAN TASK FORCE PROPAGANDA BRANCH. YOU SAID YOU BECAME ITS
21 HEAD IN MAY OF 1960, IS THAT WHAT YOU SAID?

22 A I DON'T BELIEVE I KNOW OF AN ORGANIZATION WITH THAT

1 TITLE.

2 Q WHAT WAS IT THAT --

3 A I WAS REFERRING TO THE TASK FORCE FOR THE OPERATION
4 WHICH LATER BECAME KNOWN AS THE BAY OF PIGS AND THAT IS WHAT
5 I REFERRED TO. IS THAT WHAT YOU ARE REFERRING TO?

6 Q WELL, YOU TELL ME WHAT YOU BECAME THE HEAD OF IN
7 MAY OF 1960.

8 A I BECAME THE PROPAGANDA OFFICER.

9 Q FOR?

10 A FOR THE TASK FORCE OF THE CUBANS' OPERATION WHICH
11 IS NOW SO WELL KNOWN AS THE BAY OF PIGS.

12 Q WHERE WERE YOU STATIONED IN MAY OF 1960?

13 A I WAS STATIONED IN THE BEGINNING OF THE MONTH IN
14 HAVANA, CUBA. I LEFT CUBA IN THE EARLY -- NO, THIS WAS NOT
15 MAY, I THINK I SAID MARCH.

16 Q MARCH, OKAY.

17 A I LEFT CUBA IN EARLY MARCH, DROVE TO WASHINGTON,
18 D. C.

19 Q FROM CUBA? THAT IS A GOOD TRICK.

20 A THERE IS A FERRY. NOT NOW BUT THERE WAS A FERRY.
21 I PUT THE CAR AND MY FAMILY ON THE FERRY.

22 Q I AM NOT INTERESTED IN YOUR ITINERARY.

1 MR. WULF: NO, ENDING WITH THE FERRY. THAT IS WHEN
2 HE LEFT. WHEN HE WAS IN CUBA AS A SO-CALLED CONTRACT AGENT.

3 (AT 11:31 A.M., THE WITNESS, COUNSEL AND CIA
4 REPRESENTATIVES LEFT THE ROOM, RETURNING AT 11:36 A.M.)

5 BY MR. WULF:

6 Q YOU MAY BEGIN TO RECITE YOUR DESCRIPTION OF EVERY
7 OPERATION YOU UNDERTOOK FOR THE CIA WHILE YOU WERE A CONTRACT
8 AGENT IN CUBA DURING 1958-59.

9 A THE MAJORITY --

10 Q START FROM THE BEGINNING. DON'T TELL ME ABOUT
11 THE MAJORITY. I WANT DETAILS, MR. PHILLIPS. START FROM THE
12 FIRST OPERATION YOU UNDERTOOK WHILE YOU WERE A CONTRACT AGENT
13 WHEN YOU FIRST BECAME A CONTRACT AGENT FOR THE CIA IN CUBA
14 AND I WANT TO HEAR IT CHRONOLOGICALLY AND IN DETAIL, AND IF
15 YOU SEEM TO BE SKIMMING OVER THINGS, I WILL TRY TO GET YOU TO
16 BE MORE SPECIFIC.

17 A THE FIRST OPERATION WAS THE ONE THAT I DESCRIBED
18 ABOUT TELEVISION.

19 Q WHEN WAS THAT?

20 A I DON'T REMEMBER THE EXACT TIME IN 1958 THAT I
21 ARRIVED IN CUBA BUT IT WAS ABOUT SEPTEMBER, SOMETHING LIKE
22 THAT, SO THIS WOULD HAVE BEEN IN THE FALL. IT WAS ABOUT, OH,

1 IT, I THINK PERHAPS IT'S SOMETHING THAT I ASKED IN THE COURSE
2 OF MY BUSINESS BECAUSE I WAS CONCERNED WITH CUBAN MATTERS.

3 Q WAS BERRELLEZ DOWN THERE IN CUBA IN 1958 TO 1960?

4 A I DON'T KNOW WHETHER HE WAS THERE PERMANENTLY OR
5 NOT.

6 Q WAS HE THERE AT ALL?

7 A YES, HE WAS.

8 Q BY THAT TIME YOU KNEW HIM FAIRLY WELL, DID YOU?

9 A NO, NOT IN CUBA. I RECALL MEETING HIM WHEN HE
10 TRAVELED TO CUBA BUT I KNEW HIM WELL IN THE DOMINICAN REPUBLIC.

11 Q DID YOU MEET WITH HIM AT ALL IN CUBA?

12 A NO -- OH, MEET WITH HIM?

13 Q MEET WITH HIM.

14 A YES, I MET HIM IN THE OFFICES OF AN ENGLISH LANGUAGE
15 GROUP THERE. I DON'T RECALL THAT I EVER HAD A DINNER WITH HIM
16 OR A LUNCH.

17 Q DID HE KNOW YOU WERE CIA?

18 A NO.

19 Q DID YOU TELL HIM?

20 A NO.

21 Q WHEN DID HE LEARN THAT YOU WERE CIA?

22 A IN THE DOMINICAN REPUBLIC IN 1965. THE FACT THAT I

1 WAS A CIA STATION CHIEF WAS PRINTED IN THE NEW YORK TIMES AND
2 A NUMBER OF OTHER PUBLICATIONS AND ALSO IN THAT PERIOD IT WAS
3 PRETTY OBVIOUS WHO THE CHIEF OF STATION WAS IN THE DOMINICAN
4 REPUBLIC.

5 Q WAS HE A FRIEND OF YOURS DOWN THERE IN THE DOMINICAN
6 REPUBLIC?

7 A YES.

8 Q DID YOU DISCUSS POLITICAL MATTERS WITH HIM IN THE
9 DOMINICAN REPUBLIC?

10 A YES.

11 Q WAS HE ONE OF YOUR MEDIA ASSETS?

12 A HE WAS NOT.

13 Q WHAT DO YOU MEAN BY THAT?

14 A I MEAN --

15 Q THE DOMINICAN REPUBLIC GOT INVADED BY THE UNITED
16 STATES IN 1965, DIDN'T IT?

17 A YES.

18 Q WHEN WAS THAT?

19 A THE 26TH OF APRIL, 1965.

20 Q WERE YOU CHIEF OF STATION AT THAT TIME?

21 A AT THAT TIME, NO.

22 Q WERE YOU THERE AT THAT TIME?

1 WHO WRITES A COLUMN ON POLITICAL DEVELOPMENTS. THAT PERSON
2 IS RECRUITED AS A MEDIA ASSET USUALLY BY PAYING HIM, AND YOU
3 SAY TO HIM I WANT YOU TO WRITE AN ARTICLE ON SUCH AND SUCH
4 SUBJECT AND I WANT YOU TO COME OUT WITH THIS VIEWPOINT.

5 A MEDIA ASSET OF THE OTHER TYPE CAN BE, I HAPPEN TO
6 KNOW SOMETHING ABOUT THE DEVELOPMENTS OF LAST WEEK THAT YOU
7 MIGHT BE INTERESTED IN. THIS IS A PERSON THAT IS NOT PAID BUT
8 IS IN THE COMMUNICATIONS FIELD AND THAT PERSON THEN TAKES
9 THAT INFORMATION AND USES IT IN A STORY AND IT'S TO YOUR AD-
10 VANTAGE, YOU THINK, THAT IT HAS COME OUT.

11 Q BUT THIS IS ALSO FALSE INFORMATION THAT YOU ARE
12 GETTING INTO THE PRESS ON OCCASION; IS THAT RIGHT?

13 A THERE HAVE BEEN OCCASIONS WHEN IT WAS FALSE.

14 Q AND THESE TWO CATEGORIES, SOME OF EACH ARE EITHER
15 AMERICANS OR NON-AMERICANS, THEY CROSS OVER INTO THE CATEGORIES
16 RIGHT?

17 A YES.

18 Q IS JEREMIAH O'LEARY ONE OF YOUR MEDIA ASSETS?

19 MR. BIERBOWER: OBJECTION. SAME REASON.

20 BY MR. WULF:

21 Q DO YOU KNOW JEREMIAH O'LEARY?

22 A YES.

1 Q WHEN DID YOU MEET HIM?

2 A I PROBABLY FIRST MET O'LEARY, AND I CAN'T REMEMBER
3 WHEN AND WHERE, IN LATIN AMERICA, IN CHILE, WHERE I LIVED
4 FOR FIVE, ALMOST SIX YEARS BECAUSE HE WAS CONSTANTLY TRAVELING
5 THROUGH THE AREA TO LATIN AMERICA AND I WAS RUNNING A NEWSPAPER
6 THERE. I GOT TO KNOW --

7 Q THIS WAS IN THE FIFTIES?

8 A THIS WAS IN THE FIFTIES. I GOT TO KNOW O'LEARY
9 WELL IN THE DOMINICAN REPUBLIC.

10 Q WHO WAS HE WORKING FOR?

11 A THE STAR.

12 Q THE WASHINGTON STAR?

13 A YES. AND I KNEW JEREMIAH O'LEARY IN WASHINGTON
14 BECAUSE HIS FAMILY AND MY FAMILY BECAME FRIENDLY AND WE LIKED
15 EACH OTHER AND WE HAD DINNER TOGETHER AND HE WAS A FRIEND AND
16 HAS BEEN FOR MANY YEARS.

17 Q HE'S BEEN YOUR CLOSE FRIEND FOR 20 YEARS, PERHAPS?

18 A NOT A CLOSE FRIEND FOR THAT LONG BUT HE'S BEEN A
19 CLOSE FRIEND, YES.

20 Q WHERE DOES HE WORK NOW?

21 A AT THE TIMES.

22 Q HOW LONG HAS HE BEEN THERE?

1 A IT'S BEEN ABOUT A YEAR AND A HALF, I THINK. A YEAR.
2 HE WAS WITH THE NATIONAL SECURITY COUNCIL AND HE LEFT THAT
3 JOB WHEN HE WAS INVITED BACK TO COVER THE PRESIDENTIAL BEAT.
4 I AM GUESSING, ABOUT A YEAR.

5 Q SO YOU HAVE BEEN IN MORE OR LESS CLOSE CONTACT
6 WITH O'LEARY FOR TWO DECADES; IS THAT RIGHT?

7 A YES.

8 Q BUT YOU WON'T TELL ME WHETHER HE IS ONE OF YOUR
9 MEDIA ASSETS?

10 MR. BIERBOWER: OBJECTION.

11 BY MR. WULF:

12 Q DID YOU EVER GIVE HIM ANY INFORMATION OF THE
13 FIRST CATEGORY WHICH YOU DESCRIBED TO ME SOME MOMENTS AGO,
14 INFORMATION NOT NECESSARILY TRUE, FOR HIM TO PUBLISH IN HIS
15 CAPACITY AS A JOURNALIST?

16 A I AM SORRY, SIR, WOULD YOU REPEAT THAT?

17 Q IN YOUR OFFICIAL CAPACITY AS A CIA MAN, DID YOU
18 EVER GIVE O'LEARY ANY FALSE INFORMATION FOR HIM TO PUBLISH IN
19 WHATEVER JOURNAL HE WAS WORKING FOR?

20 MR. BIERBOWER: OBJECTION.

21 MR. WULF: WHAT IS YOUR OBJECTION?

22 MR. BIERBOWER: SAME REASON.

1 BY MR. WULF:

2 Q DID YOU EVER GIVE AN INTERVIEW TO CARL BERNSTEIN
3 IN 1977?

4 A A TELEPHONE INTERVIEW, YES.

5 Q HE PUBLISHED AN ARTICLE IN ROLLING STONE, ITS
6 OCTOBER 20, 1977 ISSUE, ENTITLED THE CIA AND THE MEDIA.
7 ARE YOU FAMILIAR WITH IT?

8 A YES, I AM.

9 Q HE QUOTES YOU IN THAT ARTICLE AND SAID THAT YOU
10 ESTIMATED IN AN INTERVIEW THAT AT LEAST 200 JOURNALISTS
11 SIGNED SECRECY AGREEMENTS OR EMPLOYMENT CONTRACTS WITH THE
12 AGENCY IN THE PAST 25 YEARS. DID YOU GIVE HIM THAT STATEMENT?

13 A I GAVE HIM THAT STATEMENT IN THE CONTEXT THAT I HAD
14 NO DOUBT WHATSOEVER THAT IF YOU ARE DISCUSSING JOURNALISTS
15 HIRED WORLDWIDE BY THE AGENCY, JOURNALISTS OF ALL NATIONALITIES
16 SURE, 200 MIGHT BE A SUM.

17 Q THAT IS AN ACCURATE QUOTATION IN THE BERNSTEIN
18 ARTICLE?

19 A NO, IT IS NOT AN ACCURATE QUOTATION BECAUSE OF
20 CONTEXT AND FOR THAT REASON I WROTE TO THE OMBUDSMAN OF THE
21 WASHINGTON POST AFTER THIS ARTICLE CAME OUT TO CLEAR UP HOW
22 MR. BERNSTEIN REALLY DID A GOOD ONE ON ME.

1 Q BUT YOU DON'T DENY THAT YOU SAID THERE WERE 200
2 JOURNALISTS, BUT WHAT WAS YOUR OBJECTION, THAT HE DIDN'T
3 IDENTIFY THEM AS WORLDWIDE?

4 A MY OBJECTION WAS THAT MR. BERNSTEIN USED THAT TO
5 CONVEY THE NOW DURABLE MYTH THAT THE CIA HAD HIRED 400 AMERICAN
6 JOURNALISTS AND IN THE CONTEXT OF THE WAY HE PUT IT THERE
7 IT'S ALMOST AS IF I AM BOLSTERING THAT STATEMENT.

8 Q WHAT IS THE CORRECT NUMBER OF JOURNALISTS?

9 A I DO NOT KNOW.

10 Q BUT DID YOU SAY 200, DID YOU TELL BERNSTEIN 200?

11 A BERNSTEIN WANTED VERY MUCH FOR ME TO TELL HIM HOW
12 MANY AMERICANS HAD WORKED FOR THE CIA AS JOURNALISTS.

13 Q THAT IS NOT WHAT I AM ASKING YOU. DID YOU TELL HIM
14 AT LEAST 200 JOURNALISTS, APART FROM NATIONALITIES, FORGET
15 ABOUT THAT, DID YOU TELL HIM AT LEAST 200 JOURNALISTS SIGNED
16 SECRECY AGREEMENTS OR EMPLOYMENT CONTRACTS WITH THE AGENCY
17 IN THE PAST 25 YEARS?

18 A I DIDN'T TELL HIM ANY NUMBERS AT ALL, HE CAME UP
19 WITH NUMBERS AND HE CAME UP WITH THE NUMBER OF 200. I SAID
20 THAT IS A PRETTY GOOD NUMBER IF YOU ARE TALKING ABOUT ALL
21 NATIONALITIES ALL OVER THE WORLD.

22 Q SO HE CAME UP WITH 200 AND YOU TOLD HIM THAT WAS

1 ESSENTIALLY CORRECT?

2 A IF YOU USE THE WORD JOURNALISTS, YES.

3 Q OF COURSE.

4 DOES THE NAME JUAN BULNES MEAN ANYTHING TO YOU?

5 A YES, IT MEANS SOMETHING TO ME BUT I DON'T KNOW WHAT.

6 Q WHO IS HE?

7 A I DON'T KNOW. HE IS ONE OF THE FIGURES IN THE

8 CHILE DRAMA OR A CUBAN EXILE, ONE OR THE OTHER, BUT HIS

9 NAME WAS USED IN THE BOOK DEATH IN WASHINGTON AND IT HAS BEEN

10 USED ELSEWHERE, THE COVERT ACTION INFORMATION BULLETIN AND

11 ELSEWHERE.

12 Q WHEN WAS THE ONE TIME YOU MET WILLIAM BUCKLEY -- THE
13 ONE TIME YOU SAY YOU MET WILLIAM BUCKLEY?

14 A THE ONE TIME I MET WILLIAM BUCKLEY WAS IN LATE --
15 IT WAS IN 1970 OR EARLY 1971, I CANNOT RECALL THE EXACT DATE.

16 Q WHERE DID YOU MEET HIM?

17 A RIO DE JANEIRO, BRAZIL.

18 Q WAS THAT WHEN YOU WERE STATION CHIEF DOWN THERE?

19 A YES.

20 Q WHAT DATE IN 1970, DID YOU SAY?

21 A IT WAS SOMETIME DURING THE YEAR 1970 OR EARLY
22 1971.